James E. Cecchi
Donald A. Ecklund
CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
Attorneys for Plaintiff Deloris M. Zessin

Edward Braniff
James Morris
WEITZ & LUXENBERG, P.C.
700 Broadway
New York, New York 10003
(212) 558-5500

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: FOSAMAX (ALENDRONATE SODIUM) PRODUCTS LIABILITY LITIGATION	MDL No. 2243 Master Docket No. 08-08 (JAP)(LHG) Civil Action No. 11-cv-3918 (JAP)(LHG) Civil Action No. 11-cv-3225 (JAP)(LHG) Civil Action No. 11-cv-5301 (JAP)(LHG)
THIS DOCUMENT RELATES TO: *Zessin v. Merck Sharp & Dohme Corp., f/k/a Merck & Co., Inc.,* Civil Action No.: 11-cv-3918 (JAP)(LHG) *Young v. Merck Sharp & Dohme Corp., f/k/a Merck & Co., Inc.,* Civil Action No.: 11-cv-3225 (JAP)(LHG) *Johnson v. Merck Sharp & Dohme Corp., f/k/a Merck & Co., Inc.,* Civil Action No.: 11-cv-5301 (JAP)(LHG)	**PROPOSED ORDER DENYING DEFENDANT'S MOTION TO STRIKE DR. ROBERT W. MAKUCH AND EXCLUDE HIS TESTIMONY AT TRIAL**

This matter having come before the Court by defendant Merck Sharp & Dohme Corp., by

and through its counsel, Fox Rothschild, LLP, for the entry of an Order striking the expert report

of Dr. Robert W. Makuch and excluding his testimony at trial, and plaintiff Deloris M. Zessin,

through counsel, having received due notice of the motion and having had the opportunity to be
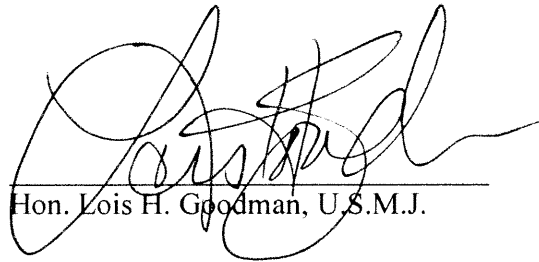
heard, and the Court having considered the papers filed in support of and in opposition to the

motion, and for good cause shown:

IT IS this ___3rd___ day of ___June___, 2013,

ORDERED that the defendant(s Motion is DENIED; and

IT IS FURTHER ORDERED that plaintiff shall produce Dr. Makuch for deposition on

June 13, 2013; and

IT IS FURTHER ORDERED that the defendant shall serve any further expert report in

response to the opinions of Dr. Makuch by July 8, 2013, and if defendant identifies a new expert

to respond to the opinions of Dr. Makuch, such expert will be made available for deposition not

later than July 23, 2013.

Hon. Lois H. Goodman, U.S.M.J.